

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

LYONS PARTNERSHIP, L.P. AND HIT
ENTERTAINMENT, INC.,

Plaintiffs,

v.

PARTY ART PRODUCTIONS INC.,
ROBERTA HERMAN, PHILIP HERMAN,
PARTY POOPERS, INC., MARLA MASE,
57TH STREET PARTY CORP. D/B/A SAVE
THE DATE, JENNIFER GILBERT, THE
MAGIC AGENCY INC., SHELLEY
CARROLL, ERIC SILVEY D/B/A ERIC
SILVEY ENTERTAINMENT,

Defendants.

SUMMONS IN A CIVIL ACTION

CASE NUMBER

07 CIV 7121

JUDGE STANTON

TO: (Name and address of Defendant)

The Magic Agency Inc.
351 E. 85th St., Ste. 15A
New York NY 10028

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Toby M. J. Butterfield, Esq.
Matthew A. Kaplan, Esq.
COWAN, DeBAETS, ABRAHAMS & SHEPPARD LLP
41 Madison Avenue, 34th Floor
New York, New York 10010

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Wences Quintero

(By) DEPUTY CLERK

AUG 09 2007

DATE

AFFIDAVIT OF SERVICE BY THE SECRETARY OF STATE

Index # 07CIV7121

State of New York, U. S. DISTRICT COURT - Southern

Purchased/Filed: August 10, 2007
County of New York

LYONS PARTNERSHIP, L.P. AND HIT ENTERTAINMENT, INC.,

Plaintiff

against

PARTY ART PRODUCTIONS INC., et. al.,

Defendant

STATE OF NEW YORK, COUNTY OF WARREN, SS.:

Sarah Roberts _____, being duly sworn, deposes and says: deponent is over the age of twenty-one (21) years; deponent is not a party herein; that on September 18, 2007, at 12:43PM, at the office of the Secretary of State of the State of New York, at 41 State Street - 2nd Floor, Albany, New York 12207, deponent served the annexed:

Summons in a Civil Action and Complaint

, on

THE MAGIC AGENCY INC.

Defendant in this action, by delivering to and leaving with Amy Lesch

AUTHORIZED AGENT in the Office of the Secretary of State of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; that said service was made pursuant to Section 306 Business Corporation Law, ; and via Registered Mail sent on _____, receipt attached.

The Index No. and the date the action was filed were clearly marked and visible to the defendant.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 35 Approx. Weight: 185 Approx. Ht.: 5'9
Sex: Female Color of skin: White Color of hair: Blonde Other: _____

Sworn to before me on this 18th day of September 2007

LINDA J. FULLER
NOTARY PUBLIC, State of New York
No. 01FU6137505, Warren County
My Comm. Exp. November 28, 2009

Sarah Roberts

Cust. #/WO # * _____

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (PRINT) <i>Shelly Roberts</i>	TITLE <i>Process Server</i>	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
<input type="checkbox"/> Name of person with whom the summons and complaint were left: Returned unexecuted:		
<input checked="" type="checkbox"/> Other (specify): <i>Served on Amy Lesch</i>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>9-15-07</u>	<u><i>SLS</i></u> <i>Signature of Server</i>	
<hr/> <i>Address of Server</i> <hr/>		

⁽¹⁾ As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.